

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAEL GERALD,

Plaintiffs,

-against-

THE CITY OF NEW YORK, COMMISSIONER  
RAYMOND KELL Y; and P.O. ANDY CRUZ, Shield  
No. 28171, the individual defendants sued individually  
and in their official capacities.

STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL

08 CV 5117 (SLT)(RLM)

Defendants.

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**WHEREAS**, plaintiff commenced this action on December 19, 2009, by filing a  
complaint alleging, *inter alia*, violations of his civil rights pursuant to 42 USC § 1983; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized his counsel to settle this matter on the terms  
set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and  
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff MICHAEL  
GERALD a sum of TEN THOUSAND (\$10,000), to be paid in full satisfaction of all claims,

including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the City of New York, Commissioner Raymond Kelly, Police Officer Andy Cruz and to release all defendants and any present and former employees or agents of the City of New York, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

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3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation a General Release based on the terms of paragraph 2 above and an Affidavit Of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

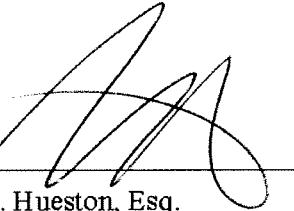
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of

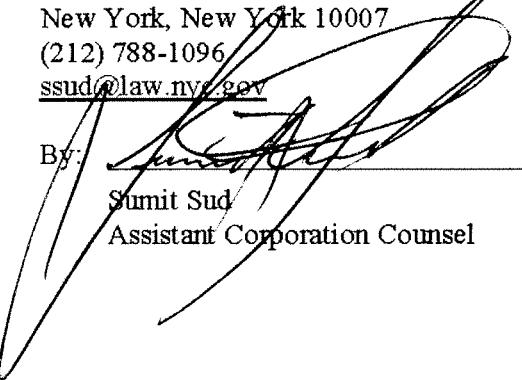
the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
July 20, 2009

Michael O. Hueston, Esq.  
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(212) 643-2900

By:   
Michael O. Hueston, Esq.

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By:   
Sumit Sud  
Assistant Corporation Counsel

SO ORDERED:

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HONORABLE SANDRA L. TOWNES  
UNITED STATES DISTRICT JUDGE